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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,446	10/29/2003	Hitoshi Matsumoto	Q78262	4562
23373	7590	04/27/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			DICT, RACHEL S	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/695,446	MATSUMOTO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Rachel Dicht	2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10/29/2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5 and 6 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>04/05/2004</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- 320 and 310 not located in Fig. 5 (page 16 lines 12-13 and page 19 line 15);
- 236 not located in Fig. 6 (page 26 line 14);
- 220, 221, and 312 not located in Fig. 10 (page 25 lines 9, 12, and 11 respectively);
- 221 and 220 not located in Fig. 14 (page 32 lines 13-14);
- 511 not located in Fig. 17 (Page 34 line 9); and
- 320 not located in Fig. 19 (Page 35 line 14).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required

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corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1, 2, 3, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson et al. (US Pat. No. 5,539,436).

In regard to:

Claim 1:

Wilson et al. teaches a liquid ejection apparatus comprising a supply unit arranging part (12, Fig. 1c) for arranging a liquid supply unit (22, Fig. 1c), and a carriage part (18, Fig. 1c) for accommodating a liquid ejection head and moving along a vicinity of the supply unit arranging part, wherein a carriage side communication device (14, Fig. 3b) for communicating a supply unit communication portion (Fig. 1b) provided in the liquid supply unit is formed in a portion of the carriage part corresponding to the supply unit arranging part (refer to column 3 lines 66-67 and column 4 lines 13-15 and lines 54-56).

Claim 2:

Wilson et al. teaches a liquid ejection apparatus wherein the supply unit arranging part (12, Fig. 1c) is provided with a through window portion (spacing between walls 44, Fig. 4) corresponding to the supply unit communication portion, and the carriage side communication device (14, Fig. 3b) is formed in a portion corresponding to the through window portion of the carriage part (Fig. 4) for moving in the vicinity of the through window portion (refer to column 4 lines 56-57 and column 5 lines 21-24).

Claim 3:

Wilson et al. teaches a liquid ejection apparatus wherein a plurality of supply unit housing portions (16, Fig. 1c) for accommodating a plurality of liquid supply units (22, Fig. 1c) are arrayed in the supply unit arranging part in a moving direction of the carriage part (Fig. 1c), and the through window portion (Fig. 4) is formed on the carriage side of each of the supply unit housing portions (refer to Fig. 3a).

Claim 5:

Wilson et al. teaches a liquid ejection apparatus wherein a housing portion side engaging positioning portion (44, Fig. 4) is formed in the supply unit housing portion corresponding to a supply unit side engaging positioning portion provided (Fig. 1b) in the liquid supply unit, a mounting portion (16, Fig. 4) for mounting the liquid supply unit (22, Fig. 1c) is formed in the supply unit housing portion, and a pressing member (28, Fig. 2a) for pressing an upper surface of the liquid supply unit to be mounted on the mounting portion against the mounting surface side is formed (refer to column 4 lines 17-22).

Claim 6:

Wilson et al. teaches a liquid ejection apparatus where the through window portion is capable of penetrating therethrough a convex portion on which the supply unit communication portion is provided (refer to column 5 lines 20-24).

***Allowable Subject Matter***

5. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: The primary reason for the allowance of claim 4 is the inclusion of the limitation of the through window portion formed in the supply unit housing portion is provided with a shutter portion to be brought into an opening state when the liquid supply unit is arranged in the supply unit housing portion and a shutter side communication device is provided in the shutter portion. It is this limitation found in each of the claims, as it is claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

***Contact Information***

7. Any inquiry's concerning this communication from the examiner should be directed to Rachel Dicht whose telephone number is (571) 272-8544. The examiner can normally be reached on Monday-Friday (7:00 am-3:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier, can be reached on (571) 272-2149.

RD



April 20, 2005



Stephen D. Meier  
Primary Examiner